IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12442 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE KSHITIJ R.VYAS
and
Hon'ble MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

L.J.KARMATIYA

Versus

CENTRAL SALT & MARINE CHEMICALS RESEARCH INSTITUTE

Appearance:

1. Special Civil Application No. 12442 of 2002
MR DHARMESH V SHAH for Petitioner No. 1
..... for Respondent No. 1

CORAM : MR.JUSTICE KSHITIJ R.VYAS
and
MR.JUSTICE SHARAD D.DAVE

Date of decision: 24/02/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE KSHITIJ R.VYAS)

Rule. Mr.Y.Ramakrishna, Controller of Administration of Central Salt & Marine Chemicals Research Institute, the respondent herein who is present in the Court, after showing the authority letter issued by the Director of the Institute, waives notice of Rule.

With the consent of parties, this petition is finally heard and disposed of by this judgment and order.

The petitioner who was appointed as Lower Division Clerk in Central Salt & Marine Chemicals Research Institute under CSIR approached Central Administrative Tribunal by filing O.A.No.1 of 2001 challenging the notice dated 4.10.2000. It appears that since the respondent continued inquiry proceedings against the petitioner, the petitioner again filed an application seeking interim relief in the month of May 2002 before the Tribunal. The Central Administrative Tribunal, by its order dated 17.6.2002, returned the application of the petitioner by observing that the Central Salt & Marine Chemicals Research Institute is not one of the organisations notified under section 14 of the Administrative Tribunals Act, 1985 (In short, 'the Act') and, therefore, it has no jurisdiction and, therefore, the O.A. was not maintainable. The said order is challenged in this petition.

The learned Counsel for the petitioner, after inviting our attention to section 14 of the Administrative Tribunals Act, 1985, submitted that the Council of Scientific and Industrial Research is one of the organisations which is notified under section 14 of the Act and, therefore, the Tribunal has in fact jurisdiction to decide the dispute.Mr.Y. Ramakrishna, the Controller of Administration who is present in the Court has also submitted that the Tribunal can have the powers and jurisdiction under section 14 of the Act.

Section 14 of the Act deals with the jurisdiction and power of the authority of Central Administrative Tribunal. Subsection (2) of section 14 authorises the Central Government to issue notification applying with effect from such date as may be specified in the notification the provisions of subsection (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations (or societies) owned or controlled by Government, not being a local or other authority or corporation (or society) controlled or owned by a State Government. Subsection (3) provides that save as otherwise expressly provided in the Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this

subsection apply to any local or other authority or corporation (or society), all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court) in relation to recruitment and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation (or society); and all service matters concerning a person (other than a person referred to in clause (a) or clause (b) of subsection (1) appointed to any service or post in connection with the affairs of such local or other authority or corporation (or society) and pertaining to the service of such person in connection with such affairs. Below the said provision, names of institutions are referred and details of GSR as well as Gazette Reference are also given. In the column of 'Institutions', at serial no. 6, name of Council of Scientific and Industrial Research (w.e.f.17.11.1986) is stated while in the column of "GSR", 1172(E)/86 and in the column 'Gazette Ref.', "Gaz.of India 31.10.86, Pt.H-S.3(i) Ext.,p.2 (No.504) is mentioned.

In view of this, it is clear that the Council of Scientific and Industrial Research is one of the institutions for which the Government of India has already issued notification published in the Gazette of Govt. of India dated 31.10.1986 being the institution covering jurisdiction, power and authority of the Central Administrative Tribunal. Surprisingly, the Tribunal has referred to the date of the notification in the impugned order, but has found that since the name of Central Salt & Marine Chemicals Research Institute is not one of the organisations notified under section 14 of the Act, it has no jurisdiction. In our opinion, as the petitioner was appointed to serve under the Central Salt & Marine Chemicals Research Institute which is under CSIR which is an autonomous body and the same having been included by the Central Government in the Gazette of India, we hold that the tribunal has power and jurisdiction under section 14 of the Act and, therefore, the application preferred by the petitioner is maintainable.

In this view of the matter, we set aside the order passed by the Central Administrative Tribunal dated 17.6.2002 passed in O.A. No.1 of 2001 and remand the matter to the tribunal to decide the same in accordance with law.

Rule is accordingly made absolute with no order as to costs.

(Kshitij R.Vyas,J.)

(Sharad D.Dave,J.)

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